

Application/Control Number: 10/003,350
Art Unit: 2655

Docket No.: 2000-0600B

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1-15, and 22 remain pending, claims 1-3, 5, 9, and 22 having been amended, and claims 16-21 and 23-31 having been canceled without prejudice or disclaimer.

In the Office Action of November 26, 2004, the Examiner objected to the title of the invention as allegedly not being descriptive; objected to the claim numbering of claims 29-32 as allegedly being misnumbered; rejected claims 1-3, 6-7, and 9-16 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,880,731 to Liles et al. ("Liles") in view of Published U.S. Patent Application 2002/0007276 to Rosenblatt et al. ("Rosenblatt"); rejected claim 5 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt and further in view of U.S. Patent No. 6,064,383 to Skelly; rejected claim 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt and further in view of Skelly and U.S. Patent No. 5,647,834 to Ron; rejected claim 17 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt, and further in view of U.S. Patent No. 6,545,682 to Ventrella et al. ("Ventrella") and U.S. Patent No. 6,692,359 to Williams et al., ("Williams"); rejected claims 18-21 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt and further in view of Ventrella; rejected claims 22, 24-25, and 30 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of U.S. Patent No. 5,781,186 to Jennings; rejected claim 26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of U.S. Patent No. 6,453,294 to Dutta et al. ("Dutta"); rejected claim 27 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Dutta and U.S. Patent No. 5,860,064 to Henton; rejected claims 28-29 under 35 U.S.C. 103(a) as allegedly being unpatentable over

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Rosenblatt in view of Dutta and U.S. Patent No. 6,405,225 to Apfel et al. ("Apfel"); and rejected claim 31 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Jennings and further in view of U.S. Patent No. 5,555,426 to Johnson et al. ("Johnson").

Applicants wish to thank the Examiner for agreeing that claim 23 contains allowable subject matter and would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Title of the Invention:

On page 2 of the Office Action, the Examiner objected to the title of the invention as allegedly not being descriptive. In particular, the Examiner indicted that the title is not appropriate because a system is not claimed. Applicant amended the title of the invention to eliminate the term "System" from the title. Therefore, Applicants submit that the amended title of the invention is descriptive of the claimed invention and respectfully requests that the objection be withdrawn.

Objection to Claims 29-32:

On page 2 of the Office Action, the Examiner objected to claims 29-32, as originally numbered, due to a claim numbering error (claim number 28 was inadvertently skipped). Applicants thank the Examiner for indicating that claims 29-32 were renumbered. Applicants canceled original claims 29-32 without prejudice or disclaimer thereby making the objection moot. Applicants, therefore, respectfully request that the objection to the claims be withdrawn.

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Rejection of Claims 1-3, 6-7, and 9-16:

On page 3 of the Office Action, the Examiner rejected claims 1-3, 6-7, and 9-16 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt.

Applicants submit that amended claims 1 and 9 obviate the rejection. Further, Applicants submit that claim 3 was amended only to improve form and claim 16 was canceled without prejudice or disclaimer.

Amended independent claim 1 is directed to a method of customizing a multi-media message with emoticons. The method includes, among other things, upon a sender choosing an emoticon using one of at least one button option, inserting an emoticon into a text message at a location of the cursor, wherein when an animated entity delivers the text message, the animated entity exhibits actions associated with the inserted emoticons beginning at a point corresponding to a first predetermined number of words before a respective one of the emoticons and ending at a second point corresponding to a second predetermined number of words after the respective one of the emoticons, wherein the first predetermined number of words and the second predetermined number of words are associated with respective word lengths of words before and after a position of the respective one of the emoticons within the text message.

Applicants submit that Liles and Rosenblatt fail to disclose or suggest, either separately or in any combination, the above-mentioned feature required by claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 2-3 and 6-7 depend from claim 1 and are patentable over Liles and Rosenblatt for at least the reasons discussed above with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claims 2-6 and 6-7 be withdrawn.

Amended independent claim 9 recites a feature similar to the feature of amended claim 1. Applicants submit that claim 9 is patentable over Liles and Rosenblatt for at least

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reasons similar to those discussed with respect to claim 1. Applicants, therefore, respectfully request that the rejection of claim 9 be withdrawn.

Claims 10-15 depend from claim 9 and are patentable over Liles and Rosenblatt for at least the reasons discussed above with respect to claim 9. Therefore, Applicants respectfully request that the rejection of claims 10-15 be withdrawn.

Claim 16 was canceled without prejudice or disclaimer thereby making the rejection of claim 16 moot. Applicants respectfully request that the rejection of claim 16 be withdrawn.

Rejection of Claim 5:

On page 7 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt and further in view of Skelly. Applicants submit that amended claim 1, from which claim 5 depends, obviates the rejection. Claim 5 was amended only to correct a typographical error.

Claim 1, from which claim 5 depends, is patentable over Liles in view of Rosenblatt for the reasons discussed with respect to claim 1. Skelly also fails to satisfy the deficiencies of Liles and Rosenblatt. Therefore, Applicants respectfully request that the rejection of claim 5 be withdrawn.

Rejection of Claim 8:

On page 8 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt and further in view of Skelly and Ron. Applicant submits that the amendments to claim 1 obviate the rejection.

Claim 5, from which claim 8 depends, is patentable over Liles in view of Rosenblatt and Skelly for the reasons discussed with respect to claim 5. Ron also fails to satisfy the

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deficiencies of Liles, Rosenblatt, and Skelly. Therefore, Applicants respectfully request that the rejection of claim 8 be withdrawn.

Rejection of Claim 17:

On page 9 of the Office Action, the Examiner rejected claim 17 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt, and further in view of Ventrella and Williams. Claim 17 was canceled without prejudice or disclaimer, thereby making the rejection of claim 17 moot. Applicants, therefore, request that the rejection of claim 17 be withdrawn.

Rejection of claims 18-21:

On page 11 of the Office Action, the Examiner rejected claims 18-21 under 35 U.S.C. 103(a) as allegedly being unpatentable over Liles in view of Rosenblatt and further in view of Ventrella. Claims 18-21 were canceled without prejudice or disclaimer, thereby making the rejection of claims 18-21 moot. Applicants, therefore, request that the rejection of claims 18-21 be withdrawn.

Rejection of Claims 22, 24-25, and 30:

On page 13 of the Office Action, the Examiner rejected claims 22, 24-25, and 30 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of U.S. Patent No. 5,781,186 to Jennings. Claims 24-25, and 30 were canceled without prejudice or disclaimer, thereby making the rejection of claims 24-25 and 30 moot. Applicants submit that amended claim 22 obviates the rejection.

On page 21 of the Office Action, the Examiner indicated that claim 23 is patentable over the cited prior art and would be patentable if rewritten to be in independent form and

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including all of the features of the base claim and any intervening claims. Applicants amended claim 22 to be equivalent to claim 22 rewritten in independent form and including all of the features of the base claim and any intervening claims. Therefore, Applicants submit that claim 22 is patentable and respectfully request that the rejection of claim 22 be withdrawn.

Applicants respectfully request that the rejection of claims 24, 25 and 30 be withdrawn due to the cancellation of these claims.

Rejection of Claim 26:

On page 17 of the Office Action, the Examiner rejected claim 26 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Dutta. Claim 26 was canceled without prejudice or disclaimer thereby making the rejection of claim 26 moot. Applicants, therefore, request that the rejection of claim 26 be withdrawn.

Rejection of Claim 27:

On page 18 of the Office Action, the Examiner rejected claim 27 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Dutta and Henton. Claim 27 was canceled without prejudice or disclaimer, thereby making the rejection of claim 27 moot. Applicants, therefore, request that the rejection of claim 27 be withdrawn.

Rejection of Claims 28 and 29:

On page 19 of the Office Action, the Examiner rejected claims 28-29 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Dutta and Apfel. Claims 28 and 29 were canceled without prejudice or disclaimer, thereby making the rejection of

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claims 28 and 29 moot. Applicants, therefore, request that the rejection of claim 28 and 29 be withdrawn.

Rejection of Claim 31:

On page 20 of the Office Action, the Examiner rejected claim 31 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Jennings and further in view of Johnson. Claim 31 was canceled without prejudice or disclaimer, thereby making the rejection of claim 31 moot. Applicants, therefore, request that the rejection of claim 31 be withdrawn.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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